

addressed in provisions of the intelligence authorization bill and my Control Spending Now legislation. While I will continue to fight for those provisions, I have asked General Clapper to tackle these issues with or without new statutory authorities. I will also continue to seek greater access by the GAO to the intelligence community, an issue on which General Clapper has expressed some flexibility.

Finally, General Clapper is in a unique position to address one of the great failings of intelligence reform thus far—the extent to which intelligence and intelligence-related activities are conducted by the military, away from the oversight of the congressional intelligence committees. In some cases, such as cybersecurity operations, I remain concerned about the division of authorities but have been kept reasonably informed. In other cases, specifically the Department of Defense's use of "Section 1208" authorities to assist foreign forces and irregular groups supporting counterterrorism operations around the world, I have generally been stonewalled. General Clapper has stated that, as DNI, these activities will not be his responsibility. But the DNI, particularly one with General Clapper's background, should be assertive in ensuring that the intelligence community and the military are operating in a coordinated fashion under coherent and consistent policies, and that the congressional intelligence committees are kept fully informed of all relevant programs and operations.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider en bloc the following nominations on the Executive Calendar: No. 883, J. Michelle Childs to be a United States District Judge;

No. 884, Richard Gergel to be a United States District Judge—both of these judges are from the State of South Carolina—No. 893, Leonard Stark to be a United States District Judge for the District of Delaware; and No. 657, James Wynn, to be a United States Circuit Judge; that the Senate proceed to vote en bloc on the nominations; that upon confirmation, the motions to reconsider be made and laid upon the table; that any statements relating to the nominations be printed in the RECORD, and that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### THE JUDICIARY

J. Michelle Childs, of South Carolina, to be United States District Judge for the District of South Carolina.

Richard Mark Gergel, of South Carolina, to be United States District Judge for the District of South Carolina.

Leonard Philip Stark, of Delaware, to be United States District Judge for the District of Delaware.

James A. Wynn, Jr., of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that at 3:30 p.m., Monday, September 13, the Senate proceed to executive session to consider Calendar No. 552, the nomination of Jane Stranch to be a United States Circuit Judge for the Sixth Circuit; that there be 2 hours of debate with respect to the nomination, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 5:30 p.m. on that date, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD; that the President of the United States be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS-CONSENT REQUEST—NOMINATIONS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding an adjournment/recess of the Senate, that all nominations currently in committee or on the calendar remain in status quo, notwithstanding the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate, except the following: Calendar Nos. 404, 591, 688, 696, 697, 698, 891; 933, 958, 1008; and the following in committee: PN797, PN1644, PN1024, PN1651, PN1631, and PN1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session and consider Calendar No. 886, Kimberly Mueller to be a United States District Judge for the Eastern District of California; that there be 1 hour of debate with respect to the nomination, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, we just confirmed 47 nominations plus 3 district court judges, a circuit court judge, and we will continue to work on the balance of these when we return.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I understand there has just been an agreement reached and entered into the RECORD regarding a number of appointments that were on the Executive Calendar. I understand further that—in fact, I discovered just recently—there is a rule anybody who is pending on the Executive Calendar when there is a recess of longer than 30 days needs to be resubmitted.

There are a number of judges who, applying that rule and the order, would need to be resubmitted by the President. Two of them, as I understand it, are district judges. What I would like to do is ask unanimous consent regarding those two. I know there is nobody from the minority party on the floor of the Senate right now, so I am not going to ask that unanimous consent and take advantage of the lack of their presence on the floor. But I would like to ask that someone come to the floor so I may ask unanimous consent, as to district court judges who are pending on the Executive Calendar, that the application of that rule be waived for this recess.

These are names that are going to be resubmitted anyway. It adds nothing to the process other than just an extra, sort of deliberate and unnecessary hassle to require those submission and committee procedures to be replayed.

It is also my understanding there has been a tradition in this body that while circuit court nominees are considered what one might call, for better or worse, political fair game, there has been a tradition of courtesy and comity regarding district court judges who sit in the Senator's home State when both of the home State Senators have agreed to and accepted the President's recommendations and supported it, given their blue slip to the committee and so forth.

So I guess I will put the Senate back into a quorum call so that I can discuss this with my colleagues on the other side. But I hope very much that as a personal courtesy they would accept that amendment to the order that was just entered, which I believe is consistent with the traditions and practices of the Senate.